

**ASSEMBLY BILL**

**No. 204**

**Introduced by Assembly Member Lowenthal**  
(Coauthor: Senator Karnette)

February 9, 2001

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An act to amend Sections 41304, 41306, 41900, 41909, 51850, and 51854 of, and to repeal Section 41305 of, the Education Code, and to amend Section 1464 of the Penal Code, relating to driver training, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 204, as introduced, Lowenthal. Driver training.

Existing law requires that certain amounts from the Driver Training Penalty Assessment Fund and the Petroleum Violation Escrow Account that are to be used to establish and maintain a unit for driver instruction within the State Department of Education, to reimburse the department for the costs of specified workshops related to driving training instruction, to reimburse school districts, county superintendents of schools, the Department of the Youth Authority, and the State Department of Education for the actual cost of instructing pupils in the operation of motor vehicles and of replacing vehicles and simulators used exclusively in the laboratory phase of driver education be limited to the amounts appropriated in the annual Budget Act for those purposes.

This bill would repeal the requirement that those amounts be limited to the amount appropriated in the annual Budget Act for those purposes. The bill would transfer the amount of money transferred monthly from the State Penalty Fund to the Driver Training Penalty Assessment Fund from the Driver Training Penalty Assessment Fund to the General Fund

and would appropriate annually the amount so transferred in each fiscal year from the General Fund to the State Department of Education for the purposes of, solely and exclusively, providing driver training instruction in the public schools.

Existing law prohibits the reimbursement for the actual cost of instruction of pupils in the operation of motor vehicles from exceeding \$97 per pupil instructed in the laboratory phase of driver education and \$290 per pupil for physically handicapped pupils, mentally retarded pupils, and educationally handicapped pupils.

This bill would increase the amount of those reimbursements to \$140 and \$390 respectively.

Existing law authorizes the governing board of a school district maintaining a high school or high schools, a county superintendent of schools, the California Youth Authority, and the State Department of Education in providing programs of high school education, to prescribe regulations determining who can profit by and who shall receive instruction in automobile driver training and prohibits a pupil from being permitted to enroll in automobile driver training unless the pupil is presently enrolled in a course of instruction in automobile driver education, or has satisfactorily completed such course. Existing law requires that pupils be at least 15 years and 6 months of age at the time of completion of a driver training course.

This bill would require the governing board of a school district to establish general attendance criteria that pupils would be required to satisfy in order to qualify to receive instruction in automobile driver training, thereby imposing a state-mandated local program.

Existing law requires the State Department of Education to adopt rules and regulations requiring all automobile driver training vehicles to be fitted with instrumentation providing instructional information on fuel consumption and vehicle fuel efficiency.

This bill would prohibit the rules and regulations from requiring that these vehicles be equipped with the above instrumentation and would provide that equipping the vehicles with this instrumentation may be done at a school district's option.

Existing law requires that moneys deposited in the State Penalty Fund be transferred once a month to various funds.

This bill would state the intent of the Legislature that the money so transferred be appropriated for the sole and exclusive operation of the programs associated with the fund to which the moneys were transferred.



The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 41304 of the Education Code is  
 2 amended to read:  
 3 41304. (a) ~~There is appropriated annually from the Driver~~  
 4 ~~Training Penalty Assessment Fund to the General Fund in the State~~  
 5 ~~Treasury and from the General Fund to the California Energy~~  
 6 ~~Extension Service of the Office of Planning and Research a sum~~  
 7 ~~as~~ *The amount of money transferred monthly from the State*  
 8 *Penalty Fund to the Driver Training Penalty Assessment Fund*  
 9 *pursuant to Section 1464 of the Penal Code is hereby transferred*  
 10 *from the Driver Training Penalty Assessment Fund to the General*  
 11 *Fund and the amount so transferred in each fiscal year is hereby*  
 12 *appropriated annually from the General Fund to the State*  
 13 *Department of Education for the purposes of, solely and*  
 14 *exclusively, providing driver training instruction in the public*  
 15 *schools as provided by this section and Sections 41306, 41900, and*  
 16 *41904. Of the amount appropriated pursuant to this subdivision,*  
 17 *the Superintendent of Public Instruction shall expend the*  
 18 *following amounts in addition to any other expenditures required*  
 19 *by law to be made from the amount appropriated pursuant to this*  
 20 *subdivision:*  
 21 (1) *The amount necessary to establish and maintain a unit for*  
 22 *driver instruction within the State Department of Education as set*  
 23 *forth in Section 41904.*

~~(b) In addition, subject to Section 41305, there shall be appropriated from the Driver Training Penalty Assessment Fund to the General Fund, then to the State School Fund each fiscal year, the sum~~

(2) *The amount that the Superintendent of Public Instruction certifies as necessary to reimburse on a quarterly basis for each current fiscal year school districts, county superintendents of schools, the Department of the Youth Authority, and the State Department of Education for the actual cost of instructing pupils in the operation of motor vehicles.*

The amount shall not exceed ~~ninety-seven dollars (\$97)~~ *one hundred forty dollars (\$140)* per pupil instructed in the laboratory phase of driver education in accordance with the rules and regulations of the State Board of Education.

~~(c) Subject to Section 41305, there shall also be appropriated from the Driver Training Penalty Assessment Fund the sum~~

(3) *The amount that the Superintendent of Public Instruction shall certify certifies as necessary to reimburse on a quarterly basis for each current fiscal year school districts, county superintendents of schools, the Department of the Youth Authority, and the State Department of Education for the actual cost of replacing vehicles and simulators used exclusively in the laboratory phase of driver education programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in the laboratory phase of driver education which is: (1) in*

*(A) In excess of ~~ninety-seven dollars (\$97)~~ one hundred forty dollars (\$140) per pupil instructed, and (2) expended*

*(B) Expended by the district, the county superintendent of schools, the Department of the Youth Authority, and the State Department of Education in replacing the vehicles and simulators.*

**Reimbursement**

*Reimbursement for vehicles shall be computed for only that portion of the total mileage used exclusively in the laboratory phase of driver education programs.*

~~(d) In addition, subject to Section 41305, there shall be provided~~

*(b) There is hereby transferred from the Petroleum Violation Escrow Account to the General Fund, then and appropriated from the General Fund to the State School Fund each fiscal year the sum the Superintendent of Public Instruction certifies as necessary to*

reimburse on a quarterly basis for each current fiscal year school districts, county superintendents of schools, the Department of the Youth Authority, and the State Department of Education for the costs of fitting automobile driver training vehicles with the instrumentation required ~~under~~ pursuant to Section 51854 and to reimburse on a quarterly basis for each current fiscal year school districts for the costs of transferring instrumentation providing instructional information on fuel consumption and vehicle fuel efficiency from one automobile driver training vehicle to another under Section 51854.

~~(e) In addition, subject to Section 41305, there shall be appropriated~~

*(c) There is hereby transferred* from the Petroleum Violation Escrow Account to the Driver Training Penalty Assessment Fund and from the Driver Training Penalty Assessment Fund to the General Fund, ~~then and appropriated from the General Fund~~ to the Superintendent of Public Instruction each fiscal year the sum the Superintendent of Public Instruction certifies as necessary to reimburse on a quarterly basis for each current fiscal year the State Department of Education for the costs of workshops conducted by the department under Section 51854.

~~(f)–~~

*(d)* For purposes of computing reimbursement, whenever a school district, a county superintendent of schools, the Department of the Youth Authority, or the State Department of Education replaces a driver training vehicle or simulator purchased by the district with a vehicle or simulator that is a gift or loan, the purchase price of the new or acquired equipment shall be deemed to be the market value of the vehicle or simulator acquired through a gift or loan.

A simulator is any device approved by the State Department of Education to be used in classrooms for purposes of laboratory instruction under simulated driving conditions.

SEC. 2. Section 41305 of the Education Code is repealed.

~~41305. The amounts provided under Section 41304 for any fiscal year shall be limited to the amounts appropriated in the annual Budget Act for the purposes of that section, and shall not exceed an amount equal to the sum of the moneys credited to the Driver Training Penalty Assessment Fund in the State Treasury during the preceding fiscal year and the amount by which the~~

~~deposits in the Driver Training Penalty Assessment Fund on or after September 15, 1961, have exceeded the amounts required to reimburse the General Fund on account of transfers made after that date.~~

SEC. 3. Section 41306 of the Education Code is amended to read:

41306. The Superintendent of Public Instruction shall also allow as otherwise provided in Section 41304 for the driver training instruction necessary to be safely tested for a driver's license at the Department of Motor Vehicles, those physically handicapped pupils, mentally retarded pupils who come within ~~the provisions of~~ former Section 56501 as amended by Chapter 1247 of the Statutes of 1977, and educationally handicapped pupils who are in attendance in a public secondary school in California that offers qualified instruction, and who may qualify for a driver's license, or other license, issued by the California Department of Motor Vehicles, a total allowance not to exceed ~~two~~ *three* hundred ninety dollars ~~(\$290)~~ *(\$390)* including the reimbursement provisions set forth in Section 41900 to each school district and county superintendent of schools. All driver training for pupils herein described shall be provided by qualified teachers, as defined by Sections 41906 and 41907. The provisions of this section may not be applied if reimbursement allowable under Sections 41900 to 41912, inclusive, is sufficient to meet the total cost of instruction as herein described.

It is the intent of the Legislature that driver training instruction be provided pupils as a part of the high school curriculum, and the Legislature finds and declares that exceptional children are entitled to the benefit of that instruction so far as their individual capabilities permit, understanding that those pupils herein described often require individualized and amplified driver training instruction in order to succeed in becoming safe operators of motor vehicles. Since without a means of self-transportation much of the overall program of education and rehabilitation provided for by the Legislature would be of little avail to the person without the mobility required to become a productive and well-adjusted member of society, the Legislature further declares that it is incumbent upon the state to share in the cost of providing a most needed and desirable program of driver training instruction for these exceptional children.

SEC. 4. Section 41900 of the Education Code is amended to read:

41900. The Superintendent of Public Instruction shall allow to each school district maintaining a high school or high schools, county superintendent of schools, the Department of the Youth Authority, and the State Department of Education an amount equal to the actual cost, but not in excess of ~~ninety-seven dollars (\$97)~~ *one hundred forty dollars (\$140)* per pupil instructed in the laboratory phase of driver education in accordance with Sections 41902 and 41905 and with regulations set forth by the State Board of Education to the districts, county superintendents of schools, the Department of the Youth Authority, and the State Department of Education for instructing pupils in the laboratory phase of driver education.

SEC. 5. Section 41909 of the Education Code is amended to read:

41909. (a) The Superintendent of Public Instruction shall make an additional allowance to each school district maintaining a high school or high schools, each county superintendent of schools, the California Youth Authority, and the State Department of Education as reimbursement for the actual expense of replacing vehicles used exclusively in automobile driver training programs and of replacing simulators used in such programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of ~~eighty dollars (\$80)~~ *one hundred forty dollars (\$140)* per pupil instructed, and (2) expended by the district, the county superintendent of schools, California Youth Authority, or State Department of Education replacing the vehicles and simulators. Reimbursement for vehicle shall be computed for only that portion of the total mileage used exclusively in driver training programs.

~~For~~

(b) For purposes of computing reimbursement, whenever a school district, a county superintendent of schools, the California Youth Authority, or the State Department of Education replaces a driver training vehicle or simulator purchased by the district, the county superintendent of schools, California Youth Authority, or Department of Education with a vehicle or simulator that is a gift or loan, the purchase price of the new or acquired equipment shall



1 be deemed to be the market value of the vehicle or simulator  
2 acquired through a gift or loan.

3 SEC. 6. Section 51850 of the Education Code is amended to  
4 read:

5 51850. (a) The governing board of a school district  
6 maintaining a high school or high schools, a county superintendent  
7 of schools, and the California Youth Authority and State  
8 Department of Education in providing programs of high school  
9 education, may prescribe regulations determining who can profit  
10 by and who shall receive instruction in automobile driver training;  
11 provided, however, that no pupil shall be permitted to enroll in  
12 automobile driver training unless ~~such~~ the pupil is presently  
13 enrolled in a course of instruction in automobile driver education,  
14 or has satisfactorily completed such course. The regulations shall  
15 be subject to such standards for driver education and driver  
16 training ~~as that~~ may be prescribed by the State Board of Education.  
17 Where driver training is provided, ~~such the~~ course of instruction  
18 shall be given in one or more of the grades 9, 10, 11, or 12. Pupils  
19 shall be at least 15 years and six months of age at the time of  
20 completion of a driver training course.

21 (b) *In addition to the regulations the governing board of a*  
22 *school district may prescribe pursuant to subdivision (a), the*  
23 *governing board shall establish general attendance criteria that*  
24 *pupils shall be required to satisfy in order to qualify to receive*  
25 *instruction in automobile driver training.*

26 SEC. 7. Section 51854 of the Education Code is amended to  
27 read:

28 51854. (a) The State Department of Education shall adopt  
29 rules and regulations ~~requiring all that address the issue of fitting~~  
30 ~~automobile driver training vehicles to be fitted~~ with  
31 instrumentation providing instructional information on fuel  
32 consumption and vehicle fuel efficiency such as fuel efficiency  
33 meters or computerized fuel equipment. *The rules and regulations*  
34 *may not require that automobile driver training vehicles be*  
35 *equipped with instrumentation providing information on fuel*  
36 *consumption and vehicle fuel efficiency. Equipping these vehicles*  
37 *with the instrumentation may be done at a school district's option.*

38 (b) The department shall conduct workshops to provide  
39 in-service training to automobile driver training instructors on





1 fuel-efficient driving which shall include, but not be limited to, all  
2 of the following instructional techniques:

- 3 (1) Minimization of braking.
- 4 (2) Brisk acceleration to high gear.
- 5 (3) Methods to emphasize deceleration modes.
- 6 (4) Reduce idling.
- 7 (5) Methods to anticipate stops and to maintain safe distances  
8 between vehicles.
- 9 (6) The use of momentum and gravity to save fuel.
- 10 (7) Driving at the most fuel-efficient and safe speeds.
- 11 (8) Smooth steering, turning, acceleration, and braking.
- 12 (9) The use of fuel-efficient driving instrumentation to remind  
13 drivers of methods for fuel-efficient driving.

14 (c) The Superintendent of Public Instruction shall review  
15 claims submitted by school districts for reimbursement for the  
16 costs of fitting automobile driver training vehicles with  
17 instrumentation providing information on fuel consumption and  
18 vehicle fuel efficiency ~~required by subdivision (a)~~ and may  
19 approve claims for reimbursement up to three hundred dollars  
20 (\$300) per vehicle for the installation of this equipment, including  
21 parts and labor. The superintendent may approve claims for  
22 reimbursement for the transfer of equipment from one vehicle to  
23 another at the reimbursement rates authorized for the replacement  
24 of automobile driver training vehicles and simulators. Allowances  
25 made to school districts under this subdivision during the first year  
26 that the program is in operation shall be allocated by the  
27 superintendent from the Petroleum Violation Escrow Account.  
28 Allowances made to school districts under this subdivision in  
29 subsequent years shall be allocated by the superintendent from the  
30 Driver Training Penalty Assessment Fund.

31 SEC. 8. Section 1464 of the Penal Code is amended to read:

32 1464. (a) Subject to Chapter 12 (commencing with Section  
33 76000) of Title 8 of the Government Code, there shall be levied a  
34 state penalty, in an amount equal to ten dollars (\$10) for every ten  
35 dollars (\$10) or fraction thereof, upon every fine, penalty, or  
36 forfeiture imposed and collected by the courts for criminal  
37 offenses, including all offenses, except parking offenses as defined  
38 in subdivision (i) of Section 1463, involving a violation of a  
39 section of the Vehicle Code or any local ordinance adopted  
40 pursuant to the Vehicle Code. Any bail schedule adopted pursuant

1 to Section 1269b may include the necessary amount to pay the state  
2 penalties established by this section and Chapter 12 (commencing  
3 with Section 76000) of Title 8 of the Government Code for all  
4 matters where a personal appearance is not mandatory and the bail  
5 is posted primarily to guarantee payment of the fine.

6 (b) Where multiple offenses are involved, the state penalty  
7 shall be based upon the total fine or bail for each case. When a fine  
8 is suspended, in whole or in part, the state penalty shall be reduced  
9 in proportion to the suspension.

10 (c) When any deposited bail is made for an offense to which this  
11 section applies, and for which a court appearance is not mandatory,  
12 the person making the deposit shall also deposit a sufficient  
13 amount to include the state penalty prescribed by this section for  
14 forfeited bail. If bail is returned, the state penalty paid thereon  
15 pursuant to this section shall also be returned.

16 (d) In any case where a person convicted of any offense, to  
17 which this section applies, is in prison until the fine is satisfied, the  
18 judge may waive all or any part of the state penalty, the payment  
19 of which would work a hardship on the person convicted or his or  
20 her immediate family.

21 (e) After a determination by the court of the amount due, the  
22 clerk of the court shall collect the penalty and transmit it to the  
23 county treasury. The portion thereof attributable to Chapter 12  
24 (commencing with Section 76000) of Title 8 of the Government  
25 Code shall be deposited in the appropriate county fund and 70  
26 percent of the balance shall then be transmitted to the State  
27 Treasury, to be deposited in the State Penalty Fund, which is  
28 hereby created, and 30 percent to remain on deposit in the county  
29 general fund. The transmission to the State Treasury shall be  
30 carried out in the same manner as fines collected for the state by  
31 a county.

32 (f) The moneys so deposited in the State Penalty Fund shall be  
33 distributed as follows:

34 (1) Once a month there shall be transferred into the Fish and  
35 Game Preservation Fund an amount equal to 0.33 percent of the  
36 state penalty funds deposited in the State Penalty Fund during the  
37 preceding month, except that the total amount shall not be less than  
38 the state penalty levied on fines or forfeitures for violation of state  
39 laws relating to the protection or propagation of fish and game.  
40 These moneys shall be used for the education or training of

1 department employees which fulfills a need consistent with the  
2 objectives of the Department of Fish and Game.

3 (2) Once a month there shall be transferred into the Restitution  
4 Fund an amount equal to 32.02 percent of the state penalty funds  
5 deposited in the State Penalty Fund during the preceding month.  
6 Those funds shall be made available in accordance with Section  
7 13967 of the Government Code.

8 (3) Once a month there shall be transferred into the Peace  
9 Officers' Training Fund an amount equal to 23.99 percent of the  
10 state penalty funds deposited in the State Penalty Fund during the  
11 preceding month.

12 (4) Once a month there shall be transferred into the Driver  
13 Training Penalty Assessment Fund an amount equal to 25.70  
14 percent of the state penalty funds deposited in the State Penalty  
15 Fund during the preceding month.

16 (5) Once a month there shall be transferred into the Corrections  
17 Training Fund an amount equal to 7.88 percent of the state penalty  
18 funds deposited in the State Penalty Fund during the preceding  
19 month. Money in the Corrections Training Fund is not  
20 continuously appropriated and shall be appropriated in the Budget  
21 Act.

22 (6) Once a month there shall be transferred into the Local  
23 Public Prosecutors and Public Defenders Training Fund  
24 established pursuant to Section 11503 an amount equal to 0.78  
25 percent of the state penalty funds deposited in the State Penalty  
26 Fund during the preceding month. The amount so transferred shall  
27 not exceed the sum of eight hundred fifty thousand dollars  
28 (\$850,000) in any fiscal year. The remainder in excess of eight  
29 hundred fifty thousand dollars (\$850,000) shall be transferred to  
30 the Restitution Fund.

31 (7) Once a month there shall be transferred into the  
32 Victim-Witness Assistance Fund an amount equal to 8.64 percent  
33 of the state penalty funds deposited in the State Penalty Fund  
34 during the preceding month.

35 (8) ~~(A)~~—Once a month there shall be transferred into the  
36 Traumatic Brain Injury Fund, created pursuant to Section 4358 of  
37 the Welfare and Institutions Code, an amount equal to 0.66 percent  
38 of the state penalty funds deposited into the State Penalty Fund  
39 during the preceding month. However, the amount of funds  
40 transferred into the Traumatic Brain Injury Fund for the 1996–97

1 fiscal year shall not exceed the amount of five hundred thousand  
2 dollars (\$500,000). Thereafter, funds shall be transferred pursuant  
3 to the requirements of this section. Notwithstanding any other  
4 provision of law, the funds transferred into the Traumatic Brain  
5 Injury Fund for the 1997–98, 1998–99, and 1999–2000 fiscal  
6 years, may be expended by the State Department of Mental Health,  
7 in the current fiscal year or a subsequent fiscal year, to provide  
8 additional funding to the existing projects funded by the Traumatic  
9 Brain Injury Fund, to support new projects, or to do both.

10 ~~(B)~~

11 (9) Any moneys deposited in the State Penalty Fund  
12 attributable to the assessments made pursuant to subdivision (i) of  
13 Section 27315 of the Vehicle Code on or after the date that Chapter  
14 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the  
15 Welfare and Institutions Code is repealed shall be utilized in  
16 accordance with paragraphs (1) to (8), inclusive, of this  
17 subdivision.

18 (g) *It is the intent of the Legislature that all moneys transferred*  
19 *pursuant to subdivision (f) be appropriated for the sole and*  
20 *exclusive operation of the programs associated with the fund to*  
21 *which the moneys were transferred.*

22 SEC. 9. Notwithstanding Section 17610 of the Government  
23 Code, if the Commission on State Mandates determines that this  
24 act contains costs mandated by the state, reimbursement to local  
25 agencies and school districts for those costs shall be made pursuant  
26 to Part 7 (commencing with Section 17500) of Division 4 of Title  
27 2 of the Government Code. If the statewide cost of the claim for  
28 reimbursement does not exceed one million dollars (\$1,000,000),  
29 reimbursement shall be made from the State Mandates Claims  
30 Fund.